specification and claims 1 and 3 have been amended. No new matter has been added.

The specification has been amended to insert the status of the parent application.

The Examiner rejected claims 1-6 under 35 USC 112, first and second paragraphs. Claim 1 has been amended to delete reference to "water soluble dextrans" and to removal of the solid bodies. Claim 3 has been amended as suggested by the Examiner. Claim 1 has also been amended to add additional detail regarding the process. Support for these amendments can be found in the specification on pages 7-8.

The Examiner rejected claims 1-6 as being anticipated by Tokumaru et al. and rejected claims 1-6 under 35 USC 103 as being unpatentable over Tokumaru in view of Schwartz. Applicant respectfully traverses.

It is important to point out that the so called Milk Kefir and the so called Water (or Sugary) Kefir are two definitely different cultures in that none of them will grow (i. e., form surplus polysaccharide matrix or kefir grains) under conditions that are suitable for the other one. This means that a Water Kefir culture will not grow in milk and vice versa. A Water Kefir culture confronted with milk will ferment the lactose to lactate

and other substances, but it will completely lose the ability to form kefir grains. Instead, a slimy mixture will arise that in no way resembles the former Water kefir culture. Even more convincing, a Water Kefir culture grown in an aqueous environment with lactose as sole organic substrate will not grow at all but will begin to degrade its own kefir grains as a source of storage polymer (i. e., the initial biomass decreases).

On the other hand, a Milk Kefir culture grown in the absence of milk will not grow at all and will also convert to a slimy mixture.

Thus, it is not possible to convert a Milk Kefir culture to a Water Kefir culture by simply rinsing or washing or immersing the culture with/into water as suggested by the patent examiner with reference to Tokumaru et al.

There are two major differences between Milk and Water Kefir
1) Milk Kefir will form its polymer from lactose, and Water Kefir forms its from sucrose.

2) The Milk Kefir culture needs the additional substances only present in milk to maintain the ability to grow, whereas Water Kefir needs additional substances from figs, raisins or molasses to gain and maintain the ability to grow (both cultures are highly auxotrophic with completely different individual needs).

Water kefir, or Sugary Kefir, is a microbiogloeae made up of a polysaccharide matrix containing bacteria and yeasts in symbiosis, as described in "Mycobiota of the tibi grains used to ferment pulque in Mexico." Ulloa M; Lappe P; Taboada J; Diaz-Garces J. CS Dep. Botanica, Instituto Biologia, UNAM, Apartado Postal 70-233, 04510 Mexico, D.F., Mexico; Revista Mexicana de Micologia 10 (0). 1994. 153-159. ISSN: 0187-3180.

Although the patent literature is full of patents concerning Milk Kefir, none have suggested the formation of solid bodies by using Water Kefir. According to the invention, by using Water Kefir cultures it becomes possible to use substrates other than milk, which compared to molasses or other sugar containing wastes or substances, is very expensive. The invention thus leads to an hitherto not known possibility to form solid bodies from inexpensive sugar containing substances via a microorganism culture that forms polymer grains large and resistant enough to be mechanically separated from the supernatant.

The invention allows the formation of solid bodies with an overall inexpensive process. Tokumaru discloses only the use of milk kefir. As discussed above, milk kefir cannot be produced using water and sugar alone, and merely adding water to milk kefir cannot convert milk kefir to water kefir. The two substances are entirely different. Similarly, Schwartz does not

disclose the production of solid bodies from water kefir as claimed in the present invention.

Accordingly, Applicant submits that claims 1-6, as amended, are patentable over the prior art, taken either singly or in combination. Early allowance of the amended claims is respectfully requested.

Respectfully submitted,
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ECR/ecr/jc
Enclosures: Exhibits A and B
Copy of Petition for one-month Extension of time

CERTIFICATE OF FACSIMILE TRANSMISSION

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I hereby certify that this correspondence is being sent by facsimile-transmission to the Assistant Commissioner for Patents, Washington, D.C. 20231, on July 26, 2002.

Elizabeth Collard Richter

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